

**Remarks:**

**Status of Claims**

Claims 28-40, 42-52, and 55-61 were previously pending. Claims 28, 37, 46, and 61 have been amended herein. Thus, claims 28-40, 42-52, and 55-61 remain pending with claims 28, 37, 46 and 61 being independent.

**Office Action**

In the September 27, 2006, Office action, the Examiner rejected all pending claims under 35 U.S.C. § 102(a) as being anticipated by Faure (U.S. Patent No. 6,470,641). The Examiner also rejected all claims under 35 U.S.C. § 102(b) as being anticipated by West (U.S. Patent No. 6,314,699). Applicant respectfully submits that the arguments and amendments made herein overcome the Examiner's rejections. A Rule 131 Affidavit is also submitted herewith to establish invention of the claimed subject matter before the filing of at least one of the references cited in Applicant's recently-filed IDS.

**Rejections in view of West**

In the previous Amendment, Applicant argued that claims 28-36 were allowable because they included the feature of a board having a lower lip thickness "E" and a fastener (20) having a protrusion (34) with a height "F," wherein "E" is at least 1% greater than F, and F is specifically the "the average vertical distance from [a] base to the protrusion." The Examiner equates West's nubs

(48) with the claimed protrusions (34) to anticipate the independent claims (Office action, page 3, ¶ 5).

All independent claims have been amended herein to recite that the fastener protrusions (34) extend “generally perpendicularly from a vertical axis of the fastener.” The feature is illustrated in FIG. 5 of the present application, which is reproduced below with annotations for the Examiner’s reference:

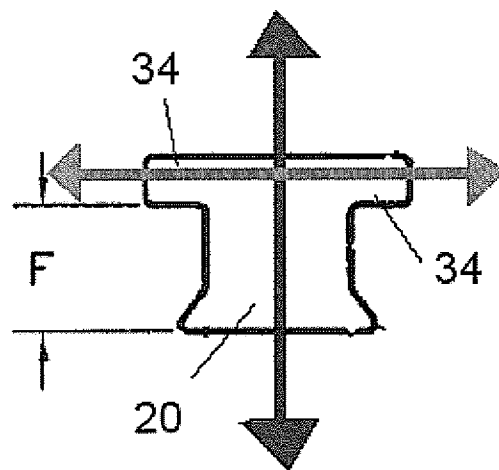
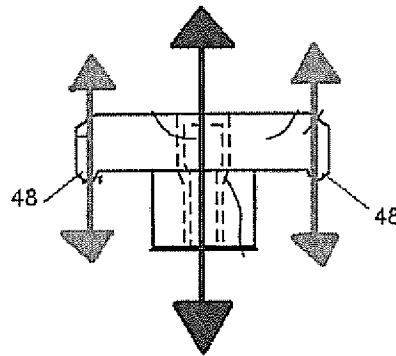


FIG. 5 (with annotations)

In contrast, West's nubs (48) extend generally parallel to the vertical axis of West's fastener, as is shown in West FIG. 1A, reproduced below for the Examiner's reference:

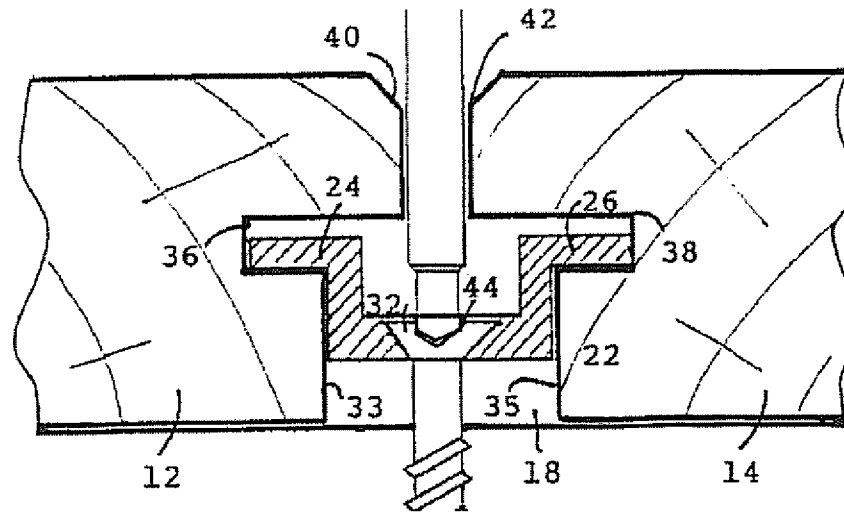


West FIG. 1A (with annotations)

Consequently, West's nubs (48) cannot be considered to be the same as the claimed protrusions (34). Further, West does not disclose or suggest other perpendicularly-extending protrusions that have an average vertical distance less than a board's lower lip thickness, as is discussed at length in Applicant's previous Amendment.

*Rejections in view of Faure*

All independent claims have been amended herein to recite a "generally T-shaped" fastener. As shown in FIG. 5 of the present application, reproduced on the preceding page, the fastener provided by embodiments of the present invention is generally T-shaped to facilitate its installation and use. In contrast, the fastener provided by Faure is generally U-shaped, as is shown below.



Faure FIG. 2

Consequently, Faure does not disclose or suggest a generally T-shaped fastener. Further, Faure teaches away from T-shaped fasteners due to its reliance on a U-shaped design for the formation of desired gaps (col. 1, ll. 49-57). The claimed fastener is advantageous over the prior art in that it enables the boards to be more securely bound to the joists.

### Conclusion


In view of the arguments and amendments made herein, Applicant respectfully submits that claims 28-40, 42-52, and 55-61 are in allowable condition and requests a corresponding Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any

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additional fee which might be due in connection with this application should be applied against our  
Deposit Account No. 19-0522.

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